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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,728	02/13/2004	Timothy Patrick Jon Perry	52493.000369	5605
21967	7590	09/27/2006	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			NGUYEN, CAM LINH T	
		ART UNIT		PAPER NUMBER
		2161		
DATE MAILED: 09/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/777,728	PERRY ET AL.	
	Examiner CamLinh Nguyen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 13 February 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____.
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## DETAILED ACTION

1. This Office Action is response to communication filed on 2/13/2004.
2. Claims 1 – 24 are currently pending in the application.

### Abstract

3. The abstract of the disclosure is objected to because the length of the abstract contents more than 150 words (See the content of the Specification below). Correction is required. See MPEP § 608.01(b).

### Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), “Sequence Listings” (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) **Field of the Invention:** A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
- (2) **Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98:** A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) **Brief Summary of the Invention:** See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) **Brief Description of the Several Views of the Drawing(s):** See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) **Detailed Description of the Invention:** See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) **Claim or Claims:** See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 21 – 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- Claims 21 – 22 are directed to a processor readable carrier, which is a signal. A signal cannot store a computer program. It does not appear to resolve the deficiency of claim 1 by claiming a physical article or object, instead claiming a carrier wave. A carrier wave is a form of energy, like a signal. It does not resolve the issue of whether the instructions are executable by claiming the program as executable code. Therefore, claims 21 – 22 are directed to non-statutory subject matter.

- Claims 23 – 24 claim a signal embodied in at least one carrier wave that is used for transmitting a computer program. The claims also try to claim a signal. As mentioned above, the signal in claims 23 – 24 are directed to non-statutory subject matter.

6. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of application amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 21 – 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 21 – 22 are directed to a processor readable carrier, which is a signal. A signal cannot store a computer program.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 23 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 – 24 claim a computer processor in the preamble. However, in the body of claims, applicant claims a “means” plus function which is an apparatus or system. Therefore, the Examiner does not sure what Applicant tries to claim: a process or an apparatus in claim 23 – 24.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammack et al (U.S. 6,449,624 B1) in view of Ito et al (U.S. 2004/0143791A1).

♦ As per claims 1, 11, 23,

Hammack discloses a method/system for storing data entered by a user in a remote relational database, the method comprising the steps of:

- “ Saving data as a plurality of software components at a server” corresponds to the data stored in configuration database 100 in Fig. 4 of Hammack (col. 8, lines 47 – 50 of Hammack). The server corresponds to the configuration database in Hammack.
- “ Converting the plurality of software components into a first string and a second string wherein the first string comprises a markup language format that substantially mimics the software components and the second string comprises a serialized string format of the

plurality of software components" corresponds to the process of converting the data from the first version to the second version in Hammack. In particular, Hammack teaches:

- "A first string" corresponds to the string of characters in Fig. 14 of Hammack.

Since the file is an XML file (col. 21, lines 40 – 41 of Hammack), the first string must comprise a markup language format that substantially mimics the software components:

- "A second string" corresponds to the string that stored in the version control database (col. 21, lines 40 – 43 of Hammack).

Hammack teaches that the document is transmitted to the version control database. Therefore, the Hammack reference teaches the receiving server that stored the compressed string. Hammack does not clearly teaches:

- "Compressing the first string and the second string; transmitting the compressed first string and the compressed second string to a receiving server; and storing the compressed first string and the compressed second string in a relational database"

However, the compress technique is well known in the art to reduce the time consume. Ito discloses an example. Ito discloses a method and system for compress an XML code to a binary format. Ito teaches that the code is compressed and stored in storage (Fig. 3, paragraph 0019 of Ito).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Ito into the invention of Hammack because the combination would reduce the time consuming in transferring file in the network as suggest by Ito (paragraph 0003 of Ito).

- ♦ As per claims 2, 7, 12, 17, the combination of Hammack and Ito disclose:
  - “Wherein the markup language format uses string concatenation” See Fig. 14 of Hammack.
- ♦ As per claims 3 - 4, 8 – 9, 13 – 14, 18 – 19, the combination of Hammack and Ito disclose:
  - “Wherein the compressed first string and the compressed second string are stored in a document data table” and “wherein the compressed first string and the compressed second string are stored as a single record within the document data table” See col. 21, lines 43 – 57 of Hammack.
- ♦ As per claims 5, 10, 15, 20, the combination of Hammack and Ito disclose:
  - “Wherein the compressed first string and the compressed second string are in binary format” See abstract of Ito.
- ♦ As per claims 6, 16, 24, the combination of Hammack and Ito disclose:

With all limitation as claimed in claim 1 further claims 6, 16, 24 include a method/system for retrieving data from a remote relational database. Ito discloses a method for compress and decompress XML document (Fig. 5 of Ito). Therefore, as a combination, Hammack and Ito disclose a method for storing and retrieving the compress data strings and displays it for the user (Fig. 2 – 4 of Hammack).
- ♦ As per claims 21 - 22, the combination of Hammack and Ito disclose:
  - “At least one processor readable carrier for storing a computer program of instructions configured to be readable by at least one processor for instructing the at least one processor to execute a computer process for performing the method” See Fig. 1, col. 3, lines 48 – col. 4, lines 65 of Hammack.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cousin et al (U.S. 2002/0107866 A1) discloses a method for compressing character-based markup language files including non-standard characters.
- Brandin et al (U.S. 2002/0099712 A1) discloses a method of operating an extensible markup language database.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272 - 4146. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161  
LN

